

United States Courts Southern  
District of Texas  
FILED

9/3/2022

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS**

Nathan Ochsner, Clerk of Court

UNITED STATES OF AMERICA

Vs.

Mario Francisco Mejia-Flores

**CRIMINAL COMPLAINT**Case Number: **2:22-MJ- 1000**

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about September 1, 2022 in Brooks County, in the Southern District of Texas, defendant, **Mario Francisco Mejia-Flores**

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324  
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:  
Official Title

See Attached Affidavit of U.S. Border Patrol Agent **John L Vanderveen**

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on the:

  
Signature of Complainant  
**John L Vanderveen**  
Printed Name of Complainant

September 3, 2022

Date

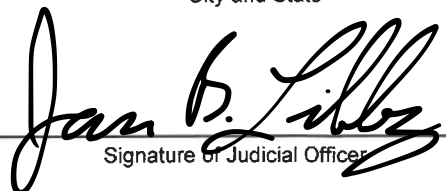
at

Corpus Christi, Texas

City and State

Jason B. Libby U.S. Magistrate Judge

Name and Title of Judicial Officer

  
Signature of Judicial Officer

### **AFFIDAVIT**

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

#### **PROBABLE CAUSE / FACTS:**

On September 01, 2022, at approximately 11:45 p.m., a gold-colored Kenworth tractor with a white colored trailer entered primary inspection at the Border Patrol checkpoint near Falfurrias, Texas. The Border Patrol Agent began their inspection by asking the driver, later identified as Mario Francisco Mejia-Flores, about his destination. Mejia told the agent he was going to Alabama. The agent next asked Mejia about his commodity. Mejia stated he was hauling broccoli. During the primary inspection encounter, an agent and his canine partner conducted a free-air sniff of the tractor and trailer. The canine handler advised the primary inspection agent that his canine partner had alerted to the tractor. The primary inspection agent looked through the windows of the tractor in an attempt to see if any other occupants were visible. The agent was unable to see anyone else present. At this point the tractor and trailer were referred to secondary inspection due to the canine alert.

Once in secondary inspection, a search of the tractor located one individual concealed behind the driver's seat, another individual concealed behind the passenger seat, and a third individual concealed between the mattress and rear wall of the cab in the sleeper portion of the tractor. All three individuals were determined to be citizens of Guatemala and Honduras illegally present in the United States. Mejia-Flores, who was determined to be a citizen of Mexico with legal immigration status in the United States, was placed under arrest for alien smuggling. All subjects were advised of their Miranda Rights in their preferred language.

#### **NOTE:**

Mejia was previously arrested by United States Border Patrol on February 02, 2020, for alien smuggling. The case was handled administratively at the time.

#### **PRINCIPAL STATEMENT: Mario Francisco Mejia-Flores**

Mejia stated he picked up a load of broccoli in a warehouse in McAllen, Texas earlier in the day (September 1, 2022) between 9:00 and 10:00 a.m. At this point he drove his tractor and trailer back to the yard where they are kept. This is a yard only he has access to and is approximately five minutes from his home. Mejia stated he then went home and slept. Mejia stated he woke up late at 10:00 p.m. and hurried out of the house and to the yard. Once there, he threw his belongings in the tractor and took off. Mejia stated he did not see anyone on the bed. At this point, Mejia began driving and did not stop anywhere prior to his encounter with agents at the checkpoint.

#### **MAT-WIT STATEMENT: Elvia Melissa Urbina-Ham**


Urbina, a citizen of Honduras, stated she was travelling with two male aliens, and they were trying to get a ride north when they met a truck driver at what appeared to be a gas station. She told agents the truck driver agreed to give them a ride and they rode on the bed of the tractor until they neared the checkpoint. At this point, the driver told them to hide to avoid being detected. Urbina stated she hid on top of the bed in the corner under some clothes. When shown a photo lineup, Urbina was unable to identify Mejia as the driver of the tractor, however, she stated the driver was wearing an orange-colored t-shirt and blue jeans.

**MAT-WIT STATEMENT:** Miguel Angel Siguan-Sapon

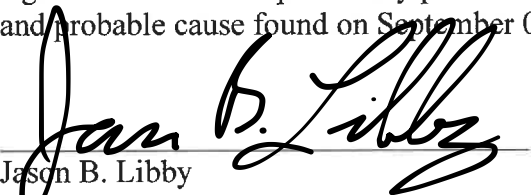
Siguan stated he was on the side of the road with the other male illegal alien he was encountered with at approximately 8:00 p.m. on September 01, 2022. They saw a man drive a tractor-trailer down the road and Siguan signaled the driver for a ride. The man stopped, opened the door, and told them to get inside. They both got inside and concealed themselves in the tractor. Siguan stated the driver did not talk to them or communicate with them once they were inside the tractor. Siguan stated the tractor made no stops between picking them up and their encounter at the checkpoint with agents. When shown a photo lineup, Siguan was unable to identify Mejia as the driver.

**DISPOSITION:**

The facts of this case were presented to the Assistant United States Attorney's Office who accepted Mario Francisco Mejia-Flores for prosecution of 8 USC 1324, Alien Smuggling. Elvia Melissa Urbina-Ham and Miguel Angel Siguan-Sapon will be held as material witnesses in this case.

  
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John L VanderVeen  
Border Patrol Agent

Submitted by reliable electronic means, sworn to,  
signature attested telephonically per Fed.R.Crim.P.4.1,  
and probable cause found on September 03, 2022.

  
\_\_\_\_\_  
Jason B. Libby  
United States Magistrate Judge